

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-18-69-GF-BMM

Plaintiff,

vs.

COLE YOUNG BAD HAWK,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 12, 2021. (Doc. 58.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 12, 2021. (Doc.

53.) The United States accused Bad Hawk of violating his conditions of supervised release by failing to successfully complete his 180-day term at a residential re-entry center. (Doc. 50.)

At the revocation hearing, Bad Hawk admitted that he had violated the conditions of his supervised release by failing to successfully complete his 180-day term at a residential re-entry center. (Doc. 53.) Judge Johnston found that the violation Bad Hawk admitted proved to be serious and warranted revocation, and recommended that Bad Hawk receive a custodial sentence of 5 months, with 15 months of supervised release to follow. While on supervised release, Bad Hawk should participate in any sober living treatment program and any mental health treatment program recommended by his probation officer. Bad Hawk was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 53.)

The violation proves serious and warrants revocation of Bad Hawk's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 58) are **ADOPTED IN FULL**. **IT IS FURTHER ORDERED** that Defendant Cole Young Bad Hawk be sentenced to a period of

custody of 5 months with 15 months of supervised release to follow. While on supervised release, Bad Hawk should participate in any sober living treatment program and any mental health treatment program recommended by his probation officer.

DATED this 27th day of January, 2021.



Brian Morris, Chief District Judge
United States District Court

